



10.01.2023
tkm/ct 28
sl no. 39

C.R.M. 7648 of 2016
CRAN 5 of 2022

In Re : An application for relaxation of condition of bail under section 439(1)(b) of the Code of Criminal Procedure
and

In Re : Kunal Kumar Ghosh @ Kunal Ghosh petitioner

Mr. Sabir Ahmed
Mr. Ayan Bhattacharyya
Mr. Ayan Chakraborty for the petitioner

Mr. Arun Kr. Maity (Mohanty)
Mr. Amajit De
Mr. B Sinha Roy for the CBI

Petitioner is on bail since 2017. As a condition of bail, he was directed to deposit his passport. Presently petitioner has approached this court praying that his passport be returned to enable him to go to Singapore for training and vocational education.

Mr. Maity opposes the application. He submits petitioner is a conspirator in the SARADA Scam wherein crores of rupees of innocent depositors were misappropriated. Further investigation with regard to money trail is still in progress in various countries including Singapore. Permitting the petitioner to go abroad would be prejudicial.

Petitioner is on bail since 2017. There is no adverse report against him. There is hardly any progress in the case which was handed over to CBI in 2014. Charges have not yet been framed. No materials disclosing particulars of further investigation conducted in Singapore is placed before us.

Fundamental right to movement includes the right to go abroad. There is no possibility of commencement of trial let alone



its conclusion in near future. Petitioner is a journalist. He proposes to participate in technical and vocational education at an institute in Singapore.

It is also contended on behalf of the petitioner such participation is more fruitful if it is done physically than on virtual mode.

Under such circumstance, we are inclined to permit the petitioner to go to Singapore to visit Nanyang Polytechnic for technical and vocational education.

Passport of the petitioner shall be returned to him and he is permitted to go abroad on or after 16th January 2023 on condition his wife Smt. Sarmita Ghosh shall furnish a bond of Rs. 5,00,000/- (Five lakh) and he shall deposit a sum of like amount in cash or by way of fixed deposit maintained with any nationalized bank to the satisfaction of the court.

He shall return to the country positively by 31st January 2023. Immediately upon his return and not later than 1st February 2023 he shall deposit his passport in the court below.

Report be filed on the adjourned date.

Let the matter appear on 3rd February 2023.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)